

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PIONEER HI-BRED INTERNATIONAL,
INC., et al.,**

8:22CV70

Plaintiffs,

vs.

ALTEN, LLC, et al.;

Defendants.

**AMENDED
CASE PROGRESSION ORDER**

SYNGENTA SEEDS, LLC,

8:22CV71

Plaintiff,

vs.

ALTEN, LLC, et al.;

Defendants.

**AMENDED
CASE PROGRESSION ORDER**

BAYER US LLC,

8:22CV82

Plaintiff,

vs.

ALTEN, LLC, et al.;

Defendants.

**AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court after a hearing held with counsel for the parties by telephone on June 26, 2023, on the motion to extend case progression order deadlines ([Filing No. 120](#)). After a review of the motion and in accordance with the matters discussed during the telephone hearing, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED the motion to extend case progression order deadlines ([Filing No. 120](#)) is granted, and the case progression order is amended as follows:

- 1) The deadline for the parties to file a joint status report is **November 13, 2023**.

- 2) A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **November 15, 2023**, at **10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 75](#)).
- 3) The deadline for serving initial mandatory disclosures under Rule 26(a)(1) is **December 1, 2023**.
- 4) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **March 1, 2024**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **March 15, 2024**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 5) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)) is **April 3, 2024**.
- 6) The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

| | |
|-----------------------|---------------------|
| For the plaintiffs: | May 24, 2024 |
| For the defendants: | June 4, 2024 |
| Plaintiffs' rebuttal: | July 5, 2024 |

- 7) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **July 17, 2024**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **ten (10)**.
- 8) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **July 17, 2024**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 75](#)).

- 9) The deadline for filing motions to dismiss and motions for summary judgment is **August 14, 2024**.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 13, 2024**.
- 11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 12) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 26th day of June, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge